



Journal of the Senate

State of Indiana

115th General Assembly

First Regular Session

Fourteenth Meeting Day

Tuesday Afternoon

February 6, 2007

The Senate convened at 2:09 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

Prayer was offered by Senator Teresa S. Lubbers.

The Pledge of Allegiance to the Flag was led by the President of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Becker	Lubbers
Boots	Meeks
Bowser	Merritt
Bray	Miller
Breaux	Mishler
Broden	Mrvan
Deig	Nugent
Delph <input checked="" type="checkbox"/>	Paul
Dillon	Riegsecker
Drozda	Rogers
Errington	Simpson
Ford	Sipes
Gard	Skinner
Heinold	Smith
Hershman	Steele
Howard <input checked="" type="checkbox"/>	Tallian
Hume	Walker
Jackman	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 52: present 48; excused 2. [Note: A ☒ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 11

Senate Concurrent Resolution 11, introduced by Senator Riegsecker:

A CONCURRENT RESOLUTION congratulating the Elkhart Express on winning the 2006 International Basketball League Championship.

Whereas, Driven by his desire to share his love of basketball with his hometown and the Michiana region, in 2006 native Hoosier, Daimon Beathea, established the Elkhart Express basketball team;

Whereas, During their inaugural season, the Elkhart Express lead all U.S. minor league basketball organizations in attendance and enthusiasm;

Whereas, Under the direction of Daimon Beathea, the Elkhart Express enjoyed great success in their first season, which culminated with the team competing for the 2006 International Basketball League championship title;

Whereas, Some 2000 fans cheered as the Elkhart Express prevailed in a hard fought, overtime victory over the Columbus Cyclones. Elkhart Express players Cedric Moodie and Darmetreis Kilgore combined for over 50 points;

Whereas, Daimon Beathea has parlayed the success of the Elkhart Express into a non-affiliated, non-profit organization to benefit the youth of Northern Indiana. He also serves the community by speaking to students about academics and peer pressure; and

Whereas, The Elkhart Express has proven to be an exciting source of entertainment for the citizens of Elkhart: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. The Indiana General Assembly congratulates Coach Daimon Beathea and the Elkhart Express on winning the International Basketball League Championship in their inaugural season.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Coach Daimon Beathea, and each member of the Elkhart Express team.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Neese, Walorski, and Fry.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Energy and Environmental Affairs, to which was referred Senate Bill 155, has had the same under consideration and begs leave to report the same

back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

GARD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Insurance and Financial Institutions, to which was referred Senate Bill 171, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 3, after "4." insert "(a)".

Page 7, between lines 31 and 32, begin a new line block indented and insert:

"(29) Engaging in dishonest or predatory insurance practices in marketing or sales of insurance to members of the United States Armed Forces as:

(A) described in the federal Military Personnel Financial Services Protection Act, P.L.109-290; or

(B) defined in rules adopted under subsection (b).

(b) Except with respect to federal insurance programs under Subchapter III of Chapter 19 of Title 38 of the United States Code, the commissioner may, consistent with the federal Military Personnel Financial Services Protection Act (P.L.109-290), adopt rules under IC 4-22-2 to:

(1) define; and

(2) while the members are on a United States military installation or elsewhere in Indiana, protect members of the United States Armed Forces from;

dishonest or predatory insurance practices."

(Reference is to SB 171 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

PAUL, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Energy and Environmental Affairs, to which was referred Senate Bill 331, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 8, after "(e)," insert "**and subject to subsection (f),**".

Page 2, line 20, before "rehabilitation" insert "**structural**".

Page 2, line 20, delete "any" and insert "**either**".

Page 2, delete lines 24 through 25.

Page 2, after line 40, begin a new paragraph and insert:

"(f) The county may not pay from the county fund established under subsection (b) in a calendar year for the purposes set forth in subsection (b)(11) an amount that exceeds ten percent (10%) of the balance in the fund as of January 1 of that calendar year."

(Reference is to SB 331 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

GARD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Insurance and Financial Institutions, to which was referred Senate Bill 419, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 9, delete lines 33 through 42 and insert:

"SECTION 5. IC 26-1-1-301 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 301. (1) Except as otherwise provided in this section, if a transaction bears a reasonable relation to Indiana and also to another state or nation, the parties may agree that the law either of Indiana or of the other state or nation shall govern their rights and duties.

(2) In the absence of an agreement under subsection (1), and except as provided in subsection (3), IC 26-1 applies to transactions bearing an appropriate relation to Indiana.

(3) If any of the following provisions specifies the applicable law, that provision governs, and a contrary agreement is effective only to the extent permitted by the law so specified:

(a) IC 26-1-2-402.

(b) IC 26-1-2.1-105 and IC 26-1-2.1-106.

(c) IC 26-1-4-102.

(d) IC 26-1-4.1-507.

(e) IC 26-1-5.1-116.

(f) IC 26-1-6.1-103.

(g) IC 26-1-8.1-110.

(h) IC 26-1-9.1-301 through IC 26-1-9.1-307."

Delete page 10.

Page 11, delete lines 1 through 8.

Page 11, delete lines 18 through 42.

Page 12, delete lines 1 through 22.

Page 37, line 4, before "IC 26-1-2-208;" insert "IC 26-1-1-105;"

Renummer all SECTIONS consecutively.

(Reference is to SB 419 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

PAUL, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Economic Development and Technology, to which was referred Senate Bill 489, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Page 2, delete lines 23 through 25.

(Reference is to SB 489 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

FORD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Economic Development and Technology, to which was referred Senate Bill 551, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Page 1, line 8, after "encouraging" delete "," and insert **"and"**.

Page 1, line 9, after "facilitating" delete ", and assisting in".

Page 1, line 9, delete "and operation".

Page 2, line 12, after "nurse," insert **"a pharmacist, a pharmacy,"**.

Page 2, delete lines 40 through 42.

Page 3, line 27, after "shall" insert **"(1)"**.

Page 3, line 28, after "informatics" delete "." and insert **"and health care; and"**

(2) attempt to provide representation to the various geographical areas of Indiana."

Page 4, line 39, after "encourage" delete "," and insert **"and"**.

Page 4, line 39, after "facilitate" delete ", and assist in".

Page 4, line 40, delete "and operation".

Page 6, between lines 13 and 14, begin a new line block indented and insert:

"(15) Patient safety organizations.

(16) Behavioral health organizations.

(17) Organizations concerned with health care information security and privacy.

(18) Consumers."

Page 6, line 14, delete "(15)" and insert **"(19)"**.

Page 6, line 15, delete "(16)" and insert **"(20)"**.

Page 7, delete lines 16 through 17.

Page 8, line 13, after "Encourage" delete "," and insert **"and"**.

Page 8, line 13, after "facilitate" delete ", and assist in".

Page 8, line 22, delete "assisting" and insert **"encouraging and facilitating"**.

Page 8, line 31, delete "Assisting" and insert **"Encouraging and facilitating"**.

Page 9, between lines 20 and 21, begin a new line block indented and insert:

"(8) Review efforts in other states concerning health information exchange.

(9) Encourage and facilitate the development of health information exchange for those areas of Indiana where health care referral patterns cross state boundaries.

(10) Encourage and endorse interoperability standards."

Page 9, line 23, delete "Assist in:" and insert **"Encourage and facilitate:"**.

(Reference is to SB 551 as introduced.)
and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

FORD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Engrossed Senate Bill 65, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 12-7-2-82.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 82.2. "Family or household member", for purposes of IC 12-18-8, has the meaning set forth in ~~IC 12-18-8-3~~: **IC 35-41-1-10.6**.

SECTION 2. IC 12-18-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) As used in this chapter, ~~an individual is a "family or household member" of~~ another person if the individual:

(1) is a current or former spouse of the other person;

(2) is dating or has dated the other person;

(3) is or was engaged in a sexual relationship with the other person;

(4) is related by blood or adoption to the other person;

(5) is or was related by marriage to the other person;

(6) cohabits or formerly cohabited with the other person; or

(7) has or previously had an established legal relationship:

(A) as a guardian of the other person;

(B) as a ward of the other person;

(C) as a custodian of the other person;

(D) as a foster parent of the other person; or

(E) in a capacity with respect to the other person similar to those listed in clauses (A) through (D);

(b) As used in this chapter, an individual is a "family or household member" of both persons to whom subsection (a)(1); (a)(2); (a)(3); (a)(4); (a)(5); (a)(6); or (a)(7) applies if the individual is a minor child of one (1) of the persons: **has the meaning set forth in IC 35-41-1-10.6**.

SECTION 3. IC 31-9-2-44.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 44.5. ~~(a) An individual is a "Family or household member" of another person if the individual:~~

(1) is a current or former spouse of the other person;

(2) is dating or has dated the other person;

(3) is engaged or was engaged in a sexual relationship with the other person;

(4) is related by blood or adoption to the other person;

(5) is or was related by marriage to the other person;

(6) has or previously had an established legal relationship:

(A) as a guardian of the other person;

(B) as a ward of the other person;

(C) as a custodian of the other person;

(D) as a foster parent of the other person; or

(E) in a capacity with respect to the other person similar to those listed in clauses (A) through (D); or

(7) has a child in common with the other person.

(b) An individual is a "family or household member" of both

persons to whom subsection (a)(1); (a)(2); (a)(3); (a)(4); (a)(5); (a)(6); or (a)(7) applies if the individual is a minor child of one (1) of the persons: **has the meaning set forth in IC 35-41-1-10.6.**

SECTION 4. IC 34-6-2-44.8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 44.8. (a) An individual is a "Family or household member" of another person if the individual:

- (1) is a current or former spouse of the other person;
- (2) is dating or has dated the other person;
- (3) is engaged or was engaged in a sexual relationship with the other person;
- (4) is related by blood or adoption to the other person;
- (5) is or was related by marriage to the other person;
- (6) has or previously had an established legal relationship:
 - (A) as a guardian of the other person;
 - (B) as a ward of the other person;
 - (C) as a custodian of the other person;
 - (D) as a foster parent of the other person; or
 - (E) in a capacity with respect to the other person similar to those listed in clauses (A) through (D); or
- (7) has a child in common with the other person.

(b) An individual is a "family or household member" of both persons to whom subsection (a)(1); (a)(2); (a)(3); (a)(4); (a)(5); (a)(6); or (a)(7) applies if the individual is a minor child of one (1) of the persons: **has the meaning set forth in IC 35-41-1-10.6.**

SECTION 5. IC 35-41-1-10.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10.6. (a) An individual is a "family or household member" of another person if the individual:

- (1) is a current or former spouse of the other person;
- (2) is dating or has dated the other person;
- (3) is or was engaged in a sexual relationship with the other person;
- (4) is related by blood or adoption to the other person;
- (5) is or was related by marriage to the other person;
- (6) has or previously had an established legal relationship:
 - (A) as a guardian of the other person;
 - (B) as a ward of the other person;
 - (C) as a custodian of the other person;
 - (D) as a foster parent of the other person; or
 - (E) in a capacity with respect to the other person similar to those listed in clauses (A) through (D); or
- (7) has a child in common with the other person;
- (8) lives or formerly lived in the same household as the other person; or**
- (9) is the present spouse of a former spouse of the other person.**

(b) An individual is a "family or household member" of both persons to whom subsection (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), or (a)(7), or **(a)(8)** applies if the individual is a minor child of one (1) of the persons.

SECTION 6. IC 35-42-2-1.3, AS AMENDED BY P.L.129-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1.3. (a) A person who knowingly or intentionally touches an individual who **is a family or household member of the person**

- (1) is or was a spouse of the other person;
- (2) is or was living as if a spouse of the other person as

provided in subsection (c); or

(3) has a child in common with the other person;

in a rude, insolent, or angry manner that results in bodily injury to the person described in subdivision (1); (2); or (3) **individual who is a family or household member of the person** commits domestic battery, a Class A misdemeanor.

(b) However, the offense under subsection (a) is a Class D felony if the person who committed the offense:

(1) has a previous, unrelated conviction:

(A) under this section (or IC 35-42-2-1(a)(2)(E) before its repeal); or

(B) in any other jurisdiction, including a military court, in which the elements of the crime for which the conviction was entered are substantially similar to the elements described in this section; or

(2) committed the offense in the physical presence of a child less than sixteen (16) years of age, knowing that the child was present and might be able to see or hear the offense.

(c) In considering whether a person is or was living as a spouse of another individual in subsection (a)(2), the court shall review the following:

(1) the duration of the relationship;

(2) the frequency of contact;

(3) the financial interdependence;

(4) whether the two (2) individuals are raising children together;

(5) whether the two (2) individuals have engaged in tasks directed toward maintaining a common household; and

(6) other factors the court considers relevant.

SECTION 7. [EFFECTIVE JULY 1, 2007] **IC 35-42-2-1.3, as amended by this act, applies only to crimes committed after June 30, 2007.**

(Reference is to SB 65 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Corrections, Criminal, and Civil Matters.

LONG, Chair

Report adopted.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bills 1078, 1301, 1324, and 1427 and the same are herewith transmitted to the Senate for further action.

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 10 and the same is herewith transmitted for further action.

CLINTON MCKAY
Principal Clerk of the House

RESOLUTIONS ON SECOND READING**Senate Concurrent Resolution 6**

Senator Bray called up Senate Concurrent Resolution 6 for second reading. The resolution was read a second time by title and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Kersey, Tincher, and Thomas.

RESOLUTIONS ON FIRST READING**House Concurrent Resolution 10**

House Concurrent Resolution 10, sponsored by Senators Smith, Rogers, Breaux, and Howard:

A CONCURRENT RESOLUTION celebrating Black History Month.

Whereas, Black history has been celebrated by Americans each year since 1926, first as Negro History Week and later as Black History Month;

Whereas, Blacks have been in America since colonial times, but it was not until the 20th century that they were represented in history books;

Whereas, The celebration of Black History Month and the study of Black history came into being through the efforts of Dr. Carter G. Woodson;

Whereas, Dr. Woodson's parents were former slaves, and he spent his childhood working in the Kentucky coal mines;

Whereas, Dr. Woodson enrolled in high school at age 20, graduated within two years, and went on to earn a Ph.D. from Harvard University;

Whereas, Dr. Woodson was disturbed to find that history books largely ignored the Black American population and only mentioned Blacks in ways that reflected the inferior social position they were assigned at the time;

Whereas, Dr. Woodson began the task of writing Black Americans into the nation's history;

Whereas, Through the efforts of Dr. Woodson, several organizations were established as a way to bring national attention to the contributions of Black people throughout American history, including the Association for the Study of Negro Life and History, founded in 1915 (now known as the Association for the Study of African American Life and History), the Journal of Negro History (now known as the Journal of African American History), and in 1926, the establishment of Negro History Week;

Whereas, Woodson chose the second week of February for Negro History Week because it marks the birthdays of two men who greatly influenced the Black American population, Frederick Douglass and Abraham Lincoln;

Whereas, Black History Month, celebrated in February, acknowledges the achievements of Blacks in the military, the arts, civil rights, education, entertainment, history, law, literature, medicine, music, politics, science, sports, and other areas;

Whereas, Black History Month aims to bridge the gap created by American history's failure to accurately acknowledge, portray, and record the contributions and inventions of Blacks; and

Whereas, Black Americans reflect a legacy of courage and dedication that has helped to guide our nation's success and prosperity: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly acknowledges the many contributions and accomplishments of Black Americans throughout the history of the United States and Indiana.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

SENATE BILLS ON SECOND READING**Senate Bill 6**

Senator Ford called up Senate Bill 6 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 6-1)

Madam President: I move that Senate Bill 6 be amended to read as follows:

Page 2, line 16, delete "is a crime" and insert "**may be**".
(Reference is to SB 6 as printed January 26, 2007.)

FORD

Motion prevailed. The bill was ordered engrossed.

Senate Bill 9

Senator Heinold called up Senate Bill 9 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 9-7)

Madam President: I move that Senate Bill 9 be amended to read as follows:

Page 6, line 26, after "may" delete "not".
Page 6, line 26, after "fireworks" delete "on July 3, July 4," and insert ".".
Page 6, delete line 27.
(Reference is to SB 9 as printed January 26, 2007.)

DILLON

Motion failed.

SENATE MOTION
(Amendment 9-6)

Madam President: I move that Senate Bill 9 be amended to read as follows:

Page 6, delete lines 9 through 27, begin a new paragraph and insert:

"SECTION 2. IC 22-11-14-10.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 10.5 (a) As used in this section, the term "use" means the ability of a county or municipality to regulate the days and hours when consumer fireworks may be used, ignited or discharged.**

(b) Notwithstanding any other provision of this chapter:

(1) a county may adopt an ordinance concerning the use of fireworks in the unincorporated areas of the county; and

(2) a municipality may adopt an ordinance concerning the use of fireworks within the corporate limits of the municipality.

(c) An ordinance adopted under this section:

(1) may limit the use of fireworks in the county or municipality;

(2) may not be more lenient than a rule adopted by a state agency concerning the use of fireworks; and

(3) may not limit the use of fireworks:

(A) between the hours of 5:00 p.m. and two hours after sunset on June 29, June 30, July 1, July 2, July 3, July 5, July 6, July 7, July 8 and July 9;

(B) between the hours of 10:00 a.m. and 12:00 midnight on July 4; and

(C) between the hours of 10:00 a.m. on December 31 and 1:00 a.m. on January 1."

(Reference is to SB 9 as printed January 26, 2007.)

WEATHERWAX

Motion prevailed.

SENATE MOTION
(Amendment 9-2)

Madam President: I move that Senate Bill 9 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety and to make an appropriation.

Page 6, between lines 27 and 28, begin a new paragraph and insert:

"SECTION 3. IC 22-11-14-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 16. There is appropriated two million dollars (\$2,000,000) from the public safety fees collected and deposited in the state general fund under section 12 of this chapter to the department of homeland security to provide regional training for public safety service providers or advanced training programs each year beginning July 1 and ending the following June 30."**

Renumber all SECTIONS consecutively.

(Reference is to SB 9 as printed January 26, 2007.)

TALLIAN

Motion failed. The bill was ordered engrossed.

Senate Bill 14

Senator Jackman called up Senate Bill 14 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 14-1)

Madam President: I move that Senate Bill 14 be amended to read as follows:

Page 6, after line 11, begin a new paragraph and insert:

"SECTION 7. [EFFECTIVE JULY 1, 2007] **(a) The definitions in IC 8-15.7-2, as amended by this act, apply throughout this SECTION.**

(b) The department shall submit an annual report to the legislative council in an electronic format under IC 5-14-6. The report under this subsection must include detailed information on the department's efforts concerning:

(1) the development;

(2) the financing;

(3) the operation; or

(4) any combination of the development, financing, and operation;

of passenger or freight railroad systems as described in IC 8-15.7-2-14(4), as amended by this act, through public-private agreements.

(c) This SECTION expires July 1, 2012."

(Reference is to SB 14 as printed February 2, 2007.)

JACKMAN

Motion prevailed. The bill was ordered engrossed.

Senate Bill 19

Senator Steele called up Senate Bill 19 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 50

Senator Wyss called up Senate Bill 50 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 56

Senator Lubbers called up Senate Bill 56 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 56-1)

Madam President: I move that Senate Bill 56 be amended to read as follows:

Page 1, line 7, delete "holds" and insert **"has earned"**.

Page 1, line 9, after "has" insert **"at least one (1) academic year of"**.

Page 1, line 10, delete "including" and insert **"which may include experience teaching in"**.

(Reference is to SB 56 as printed February 2, 2007.)

LUBBERS

Motion prevailed. The bill was ordered engrossed.

Senate Bill 105

Senator Lanane called up Senate Bill 105 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 128

Senator M. Young called up Senate Bill 128 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 136

Senator Miller called up Senate Bill 136 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 220

Senator Kruse called up Senate Bill 220 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 283

Senator Lubbers called up Senate Bill 283 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 287

Senator Kenley called up Senate Bill 287 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 287-1)

Madam President: I move that Senate Bill 287 be amended to read as follows:

Replace the effective date in SECTION 75 with "[EFFECTIVE JANUARY 1, 2008]".

Page 9, delete lines 3 through 4.

Page 9, line 5, delete "(2)" and insert "(1)".

Page 9, line 6, delete "IC 36-2-15-11; or" and insert "**IC 36-2-15-11; or**".

Page 9, line 7, delete "(3)" and insert "(2)".

Page 9, line 10, delete "IC 36-2-15-5(j);" and insert "**IC 36-2-15-5(g);**".

Page 106, delete line 14.

Page 106, line 15, delete "(B)" and insert "(A)".

Page 106, line 16, delete "(f);" and insert "(d);".

Page 106, line 17, delete "(C)" and insert "(B)".

Page 106, line 17, delete "(j);" and insert "(g);".

Page 106, delete lines 39 through 42.

Page 107, delete lines 1 through 12.

Page 107, line 13, delete "(f)" and insert "(d)".

Page 107, line 14, after "in" insert "**a particular township in**".

Page 107, line 17, delete "following in the county:" and insert "**elected township assessor or township trustee-assessor of the township.**".

Page 107, delete lines 18 through 21.

Page 107, line 22, delete "referendum to apply to all townships in the county.".

Page 107, delete lines 25 through 34.

Page 107, line 35, delete "(h)" and insert "(e)".

Page 107, line 35, after "transferred" insert "**from a particular township**".

Page 107, line 38, delete "the county" and insert "**that township**".

Page 107, line 39, after "back to" insert "**the**".

Page 107, line 40, delete "assessors and township trustee-assessors in the county." and insert "**assessor or township trustee-assessor in the township.**".

Page 107, delete lines 41 through 42.

Page 108, delete line 1.

Page 108, line 2, delete "(i)" and insert "(f)".

Page 108, line 13, delete "(j)" and insert "(g)".

Page 108, line 31, delete "5(f)" and insert "**5(d)**".

Page 108, line 32, after "individuals" insert "**in the township**".

Page 108, line 37, delete "county" and insert "**township**".

Page 108, line 37, delete "are only" and insert "**is an**".

Page 108, line 38, delete "assessors:" and insert "**assessor:**".

Page 108, line 39, delete "all" and insert "**the**".

Page 108, line 39, delete "assessors" and insert "**assessor**".

Page 108, line 40, delete "in the county" and insert "**in the township**".

Page 108, line 41, delete "county" and insert "**township**".

Page 108, line 41, delete "are only" and insert "**is a**".

Page 108, line 42, delete "trustee-assessors:" and insert "**trustee-assessor:**".

Page 109, line 1, delete "all" and insert "**the**".

Page 109, line 1, delete "trustee-assessors" and insert "**trustee-assessor**".

Page 109, line 2, delete "in the county" and insert "**in the township**".

Page 109, delete lines 3 through 7.

Page 109, line 19, delete "county" and insert "**township in which the referendum is held**".

Page 110, line 2, delete "in the" and insert "**in a**".

Page 110, line 3, delete "county." and insert "**township in which the referendum is held.**".

Page 110, line 20, delete "assessors and" and insert "**assessor or the**".

Page 110, line 21, delete "trustee-assessors" and insert "**trustee-assessor**".

Page 110, line 21, delete "county;" and insert "**township;**".

Page 111, line 7, delete "5(h)" and insert "**5(e)**".

Page 111, line 12, delete "county" and insert "**township**".

Page 111, line 12, delete "only" and insert "**an**".

Page 111, line 12, delete "assessors" and insert "**assessor**".

Page 111, line 15, after "to" insert "**the**".

Page 111, line 15, delete "assessors in the county?" and insert "**assessor of the township?**".

Page 111, line 16, delete "county" and insert "**township**".

Page 111, line 16, delete "only" and insert "a".

Page 111, line 16, delete "trustee-assessors" and insert "trustee-assessor".

Page 111, line 19, after "to" insert "the".

Page 111, line 19, delete "trustee-assessors in the county?" and insert "trustee-assessor of the township?".

Page 111, delete lines 20 through 24.

Page 111, line 25, delete "and" and insert "or".

Page 111, line 26, delete "trustee-assessors" and insert "trustee-assessor".

Page 111, line 26, delete "terms" and insert "term".

Page 111, line 29, delete "5(h)" and insert "5(e)".

(Reference is to SB 287 as printed February 2, 2007.)

KENLEY

Motion prevailed.

SENATE MOTION
(Amendment 287-2)

Madam President: I move that Senate Bill 287 be amended to read as follows:

Page 59, delete lines 28 through 42.

Delete pages 60 through 62.

Page 63, delete lines 1 through 13.

Renumber all SECTIONS consecutively.

(Reference is to SB 287 as printed February 2, 2007.)

KENLEY

Motion prevailed. The bill was ordered engrossed.

Senate Bill 292

Senator Landske called up Senate Bill 292 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 310

Senator Hershman called up Senate Bill 310 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 312

Senator Hershman called up Senate Bill 312 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 314

Senator Ford called up Senate Bill 314 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 333

Senator Riegsecker called up Senate Bill 333 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 408

Senator Lubbers called up Senate Bill 408 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 408-1)

Madam President: I move that Senate Bill 408 be amended to read as follows:

Page 4, line 35, strike "assessment".

Page 4, line 35, delete "The".

Page 4, line 35, delete "must" and insert "that".

Page 4, line 35, after "identify" insert "high ability".

Page 4, line 36, delete "for high ability programs using multiple methods," and insert "using multifaceted assessments to ensure that".

Page 4, line 37, delete "including procedures for".

Page 4, line 39, delete "disabilities." and insert "disabilities are included".

Page 5, line 5, after "in" insert "the".

Page 5, line 6, after "areas" insert "designated by the state board".

(Reference is to SB 408 as printed February 2, 2007.)

LUBBERS

Motion prevailed. The bill was ordered engrossed.

Senate Bill 416

Senator R. Young called up Senate Bill 416 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 504

Senator Miller called up Senate Bill 504 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 517

Senator Drozda called up Senate Bill 517 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**ENGROSSED SENATE BILLS
ON THIRD READING**

Engrossed Senate Bill 93

Senator Landske called up Engrossed Senate Bill 93 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 53: yeas 46, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Mays and Thompson.

Engrossed Senate Bill 94

Senator Landske called up Engrossed Senate Bill 94 for third

reading:

A BILL FOR AN ACT to amend the Indiana Code concerning general provisions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 54: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Van Haaften, Kuzman, Foley, and Behning.

Engrossed Senate Bill 229

Senator Simpson called up Engrossed Senate Bill 229 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning commercial law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 55: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Kuzman and Foley.

Engrossed Senate Bill 253

Senator Becker called up Engrossed Senate Bill 253 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 56: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Klinker and Crouch.

Engrossed Senate Bill 330

Senator Lawson called up Engrossed Senate Bill 330 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 57: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Summers and Bell.

Engrossed Senate Bill 334

Senator Riegsecker called up Engrossed Senate Bill 334 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning property.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 58: yeas 27, nays 20. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Fry, Walorski, Neese, and Ulmer.

Engrossed Senate Bill 433

Senator Gard called up Engrossed Senate Bill 433 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 59: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Dvorak and Wolkins.

Engrossed Senate Bill 434

Senator Weatherwax called up Engrossed Senate Bill 434 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 60: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Fry and Walorski.

Engrossed Senate Bill 444

Senator Riegsecker called up Engrossed Senate Bill 444 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 61: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House

sponsors: Representatives Klinker, Walorski, Neese, and Ulmer.

GARD

Engrossed Senate Bill 502

Senator Kenley called up Engrossed Senate Bill 502 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 62: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Kuzman and Espich.

SENATE MOTION

Madam President: I move that Senator Zakas be added as coauthor of Engrossed Senate Bill 444.

RIEGSECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator M. Young be added as coauthor of Senate Bill 471.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Landske and Drozda be added as coauthors of Engrossed Senate Bill 444.

RIEGSECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator M. Young be added as coauthor of Engrossed Senate Bill 287.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kenley be added as second author of Senate Bill 105.

LANANE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kenley be added as second author and Senator Broden be added as third author of Senate Bill 432.

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Merritt be added as coauthor of Senate Bill 247.

MRVAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Rogers and Simpson be added as coauthors of Senate Bill 38.

MEEKS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lanane be added as coauthor of Senate Bill 114.

GARD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Errington and Breaux be added as coauthors of Senate Bill 567.

LUBBERS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as second author of Engrossed Senate Bill 206.

GARD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Bray be added as second author of Senate Bill 331.

LAWSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Simpson, Lewis, Boots, Merritt, Kruse, Paul, Becker, and Heinold be added as coauthors of Senate Bill 480.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Drozda and Walker be

added as coauthors of Senate Bill 471.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator M. Young be added as coauthor of Senate Bill 2.

DROZDA

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Riegsecker be added as second author of Senate Bill 38.

MEEKS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Zakas be added as second author of Senate Bill 445.

BRODEN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Long be removed as author of Senate Bill 65 and that Senator Hershman be substituted therefor.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Zakas be added as coauthor of Senate Concurrent Resolution 11.

RIEGSECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Meeks be removed as second author of Senate Bill 568.

MEEKS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Riegsecker be removed as author of Senate Bill 568 and that Senator Meeks be substituted therefor.

RIEGSECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Riegsecker be added as second author of Senate Bill 568.

MEEKS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators M. Young and Drozda be added as coauthors of Senate Bill 271.

SIPES

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Boots be added as second author of Senate Bill 555.

BRODEN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Wyss be added as second author of Senate Bill 185.

ERRINGTON

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Thursday, February 8, 2007.

LONG

Motion prevailed.

The Senate adjourned at 3:44 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate